

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Thursday, 2nd December, 2010 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, B H Dykes, M Parsons and A Ranfield

OFFICERS IN ATTENDANCE

Mr J Hopper (Licensing Officer) and Mrs K Khan (Licensing Solicitor)

22 APPOINTMENT OF CHAIRMAN

RESOLVED

It was moved and seconded that Councillor P Whiteley be appointed as Chairman for the meeting.

23 APOLOGIES FOR ABSENCE

None.

24 DECLARATIONS OF INTEREST

None.

25 EXCLUSION OF THE PUBLIC AND PRESS

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information in accordance with paragraphs 1 and 2, pursuant to part 1 of Schedule 12 (A) of the Act.

RESOLVED

That the Exclusion Resolution be moved as printed.

26 10-11/07 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee's attention was drawn to the Council's Statement of Policy about Relevant Convictions and Members were invited to consider if the applicant was a "fit and proper" person to be granted a licence.

The applicant and his prospective employer were in attendance throughout the hearing and spoke in support of the application.

At this point in the proceedings, the applicant, his prospective employer and the Licensing Officer withdrew from the meeting whilst the Sub-Committee reached its decision.

Following full consideration of the application, taking into account all the evidence, including written and oral representations, the Sub-Committee determined the application.

The applicant, the applicant's prospective employer and the Licensing Officer re-joined the meeting to be informed of the Sub-Committee's decision.

RESOLVED –

That the application for a Hackney Carriage/Private Hire Driver's Licence be approved subject to the following:

- 1) On the first anniversary of the grant of the Hackney Carriage/Private Hire Drivers Licence the applicant be required to submit a copy of his DVLA driving Licence to evidence the fact that no further driving convictions had been obtained;
- 2) On the first anniversary of the grant of the applicant's Hackney Carriage/Private Hire Drivers Licence the applicant was required to submit a report from his employer about his work as a driver within the preceding twelve months;
- 3) That the applicant successfully completes the Council's Hackney Carriage/Private Hire theory test.

The applicant was reminded of the right to appeal the decision to the Magistrates Court within 21 days.

(Prior to consideration of the following item the meeting was adjourned for 5 minutes).

27 10-11/08 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee's attention was drawn to the Council's Statement of Policy about Relevant Convictions and Members were invited to consider if the applicant was a "fit and proper" person to be granted a licence.

The applicant and his prospective employer were in attendance throughout the hearing and spoke in support of the application.

At this point in the proceedings, the applicant, his prospective employer and the Licensing Officer withdrew from the meeting whilst the Sub-Committee reached its decision.

Following full consideration of the application, taking into account all the evidence, including written and oral representations, the Sub-Committee determined the application.

The applicant, the applicant's prospective employer and the Licensing Officer re-joined the meeting to be informed of the Sub-Committee's decision.

RESOLVED –

That the application be refused on the grounds that the applicant was not a “fit and proper” person to hold a Hackney Carriage/Private Hire Driver's Licence.

The applicant was reminded of the right to appeal the decision to the magistrates Court within 21 days.

28 10-11/09 CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee considered a report regarding the future of a Hackney Carriage Driver's Licence.

The Sub-Committee's attention was drawn to the Council's Statement of Policy about Relevant Convictions and Members were invited to consider if the Licence Holder was a “fit and proper” person to continue with a Hackney Carriage Driver's Licence.

The Licence Holder and his employer were in attendance throughout the hearing and spoke in support of the application.

At this point in the proceedings, the Licence Holder, his employer and the Licensing Officer withdrew from the meeting whilst the Sub-Committee reached its decision.

Following full consideration of the application, taking into account all the evidence, including written and oral representations, the Sub-Committee determined the future of the Licence.

The Licence Holder, the Licence Holder's employer and the Licensing Officer re-joined the meeting to be informed of the Sub-Committee's decision.

RESOLVED –

That the Licence Holder remained a fit and proper person to hold a hackney carriage drivers Licence and therefore resolved to take no formal action in relation to the future of the Licence.

However, the Sub-Committee wished to give the Licence Holder a formal warning about any future conduct. The Licensing Authority would take a very serious view of any future convictions and the Licence Holder was made aware that any such convictions could place the future of the licence in jeopardy.

The meeting commenced at 10.00 am and concluded at 12.45 pm

Councillor P Whiteley (Chairman)